



February 9, 2022

VIA ECF

The Honorable Kimberly A. Jolson
United States Magistrate Judge
United States District Court for the Southern District of Ohio
Joseph P. Kinneary U.S. Courthouse
Room 200
85 Marconi Boulevard
Columbus, OH 43215

Re: McNeil et al v. Trinity Health Corp. et al (2:20-cv-00258-EAS-KAJ) – Joint Status Report and Request to Amend Discovery Schedule

Dear Judge Jolson:

This firm, along with Graff McGovern LPA, represents Plaintiffs in the above matter. I submit this letter motion/status report on behalf of counsel to all parties to update the Court on the status of written discovery and to respectfully request a 60-day extension of all dates in the existing discovery schedule. This extension is sought in light of the fact that written discovery took approximately 30 days longer than anticipated, and to provide a sufficient window of time to accommodate the schedule of the parties and anticipated deposition witnesses, some of whom are also likely to be called to testify in Dr. Husel's criminal trial, which will commence next week.

As the Court is aware, the parties have been working together to complete written discovery. As of the date of this update, party document discovery is now substantially complete,¹ and all subpoenas for documents from non-parties under Rule 45 have been served. Party depositions of defendants (as well as defendants' current and former employees) have been noticed and counsel is developing a schedule. All nine plaintiffs have already been deposed. Counsel to the parties believe that an additional 60 days on all remaining deadlines will be sufficient to complete discovery.

Under the existing schedule (Dkt. # 67), the final day for fact discovery is May 6, 2022 with dispositive motions due 21 days later. The parties respectfully request that Your Honor grant the requested extension of time, adding 60 days to all deadlines. The parties do not anticipate making any additional requests for extensions.

¹ The parties have agreed to suspend review and production of certain voluminous electronic records maintained by defendant Mount Carmel Health System until and unless additional information is obtained (from depositions or otherwise) that would justify the burden of completing such review.

Respectfully submitted,

s/Robert S. Landy

Robert Landy
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s/ Kevin O'Shea (by RL with permission)

Kevin O'Shea
The Miller Law Firm
Defendants' Counsel

SO ORDERED